

REMARKS

The Examiner has provisionally rejected claims 1-5, 8-12, 16, 16, 18, 21-24 and 25 under the judicially created doctrine of obviousness-type double patenting over claim 19-23 and 25-27 of copending application no. 09/944,480. Since claims in both applications may be amended, Applicant will revisit this issue once the claims of one of the applications have been allowed.

The Examiner has rejected claims 1-5, 8-12, 15, 16, 18, 21-23 and 25 as anticipated by Konig (DE 3205910). Konig discloses ribs in the pallet deck and discloses ribs 12 mated to ribs 14 in the feet 13, but does not include cross ribs in the feet. Claims 1, 15, 21 and 25 require "cross-ribs" in the columns (or "upright members" or "post members"), which are not shown in Konig. Therefore, all of these claims are patentable over the Konig reference.

Applicant has amended claim 8 to specify at least one reinforced section extending across at least two post members. Konig does not include a reinforced section. Therefore claim 8 is patentable.

The Examiner has rejected claims 6, 7, 13, 14, 19, 20 and 24 as obvious over Konig in view of Breezer (5,413,052). First, there is no motivation in Konig or Breezer for adding reinforcement members to the Konig deck because the Konig deck already includes ribs, instead of reinforcing bars, for providing strength and rigidity. Second, the transverse ribs in the Konig deck would actually prevent the insertion of reinforcement members into the channels in the deck defined by the ribs 4, 5. It is only Applicant's invention that takes full advantage of the use of both cross-ribs and reinforcement bars between the top deck member and the bottom deck

member. As shown in Figures 14 and 15, Applicant's invention provides a reinforcement bar that works together with the cross-ribs to strengthen and reinforce the pallet deck. Thus, these claims are not obvious over Konig and Breezer.

The Examiner has rejected claim 17 as obvious over Konig in view of Breezer. Breezer includes a sleeve 462 for receiving a fastener 408 to secure the top deck 402 to the post 406 and bottom deck 404. Breezer does not suggest using the sleeve to locate the top deck relative to the post other than for the purpose of securing them with a fastener. Since Konig does not utilize a fastener that requires the alignment of holes (as does Breezer) there is no suggestion from Breezer to include a sleeve for locating the top deck in Konig. Konig does not use fasteners to secure the top deck to the post, so there is no motivation to use the sleeve of Breezer in the Konig pallet. Therefore, claim 17 is patentable.

New claim 36 depends from claim 17 and further specifies that the end of the recess is closed. This would prevent the use of a fastener as disclosed in Breezer. Therefore, new claim 36 is independently patentable.

Reconsideration of the application as amended is requested. A check is enclosed in the amount of \$764 (including (i) \$354 for fifteen additional claims in excess of twenty and one independent claim, and (ii) \$410 for a two-month extension of time, extending the time to respond to April 7, 2003.) If any other fees are due, please charge all fees to deposit account no. 50-1984.

Respectfully submitted,



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Version with markings to show changes made

IN THE CLAIMS

1. (Amended) A pallet comprising:

a top deck member having an upper surface, and a lower surface defined by a plurality of first cross-rib members; and

a bottom deck member having an upper portion and a plurality of runners extending downwardly from the upper portion [in a unitary construction], the upper portion having an upper surface defined by a plurality of second cross-rib members corresponding generally to the first cross-rib members and attached thereto to securely attach the top deck and bottom deck to each other, the runners extending transversely across the pallet in a generally parallel orientation and having a lower surface, the runners further having a plurality of upright members and support members extending between the upright members [and integrally formed therewith in a unitary construction], wherein the plurality of second cross-rib members extend from the upper surface of the bottom deck to the lower surface of the runners.

7. (Amended) The pallet of claim [7] 6, wherein at least one of the lower surface of the top deck and the upper surface of the bottom deck have at least one channel formed therein for receiving the at least one reinforcement member therein.

8. (Amended) A pallet comprising:

a first deck member having an upper surface arranged for receiving a load thereupon, and a lower surface having a first plurality of cross-ribs; and

a second deck member having a horizontally disposed upper portion with a lower surface, and an upper surface defined by a second plurality of cross-ribs corresponding generally to and mating with the first plurality of cross-ribs, the second deck further having a lower portion [integrally formed with the upper portion to form a unitary construction therewith], the lower portion extending downwardly from the upper portion and defined by a plurality of generally parallel runners for supporting the pallet, the runners spaced apart from each other to define openings therebetween, each runner having a plurality of post members and at least one support member extending between the bottom of the post members for interconnecting the posts members [in a unitary construction], the upper portion including at least one reinforced section extending across at least two of the post members.

17. (Amended) The pallet of claim [14], wherein one of the first and second mating ribbed surfaces has a locating member projecting therefrom, and the other of the first and second mating ribbed surfaces has a recess formed therein for receiving the locating member therein to aid in aligning the upper and lower decks.